IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 573 of 1996

Between:

1 Seekonda Govindappa S/o. Thimmaiah
r/o. Gobbarampalli h/o. Cholemarri
Roddam (M), Anantapur Dist.
2 Seekonda Anjappa S/o. Thimmaiah
r/o. Gobbarampalli h/o. Cholemarri
Roddam (M), Anantapur Dist.

..... PETITIONERS

AND

1 Dist.Collector
Anantapur Dist.
2 The Revenue Divisional Officer
Penukonda
3 The Revenue Divisional Officer
Anantapur Dist.
4 B.Muthayalamma W/o. Nadipe Narasanna
R/o. Patha Gobbarampalli H/o. Cholemarri
Anantapur District

(R4 impleaded as per C.O. dt: 24/10/97 in WP MP 5553/96)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more in the nature of writ of mandamus declaring that the notification issued by Respondent-1 under sec. 4(1) of L.A.Act in his proceedings in Rc.No.5156/95/D-4 dt: 12/6/1995 and subsequent declaration of 6 of LA.Act in proceedings Rc.No.1087/95/C dt: 16/12/1995 are illegal and void.

Counsel for the Petitioner: MR.R.N.HEMENDRANATH REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR LAND ACQUISITION

Counsel for the Respondent No.4: MR O.MANOHAR REDDY

The Court made the following:

ORDER:

This writ petition is filed questioning the Notification issued under Section 4 (1) of the Land Acquisition Act (for shot 'The Act'), notifying the land of the petitioner, admeasuring Ac.0.71 cents covered by Survey No.478 in Cholemarri village, Anantapur District for the purpose of providing house sites to weaker sections.

The impugned Notification, under Section 4 (1) of the Act, was issued on 12.06.1995 authorising the 3rd respondent to conduct enquiry as contemplated under Section 5-A of the Act. The petitioner filed his objections on 16.08.1995 for acquisition of his land on two grounds. One ground is that he is a small farmer, as such the land should not be acquired. The other ground is that other alternative Government land is available for acquisition. In that view of the matter notifying the land of the petitioner is illegal.

Considering the objections of the petitioner, declaration was issued under Section 6 of the Act. The learned counsel for the petitioner submitted that the objections of the petitioner that he is a small farmer and that other alternative Government lands are available for acquisition, have not been considered.

Counter affidavit is filed on behalf of respondents. In the counter affidavit, it is categorically stated that with reference to the objections of the writ petitioner, enquiry was conducted by the 3rd respondent and a report was submitted to the 1st respondent/District Collector. As per the report, it is stated that the petitioner is not a small farmer and there are no Government lands suitable for house sites in the vicinity, and the land in question is selected and notified for acquisition.

Though it is submitted by the learned counsel for the respondents that the objections of the petitioner are considered, nothing is indicating in declaration with regard to objections and the report, but the averments of the counter affidavit made it clear that a report is submitted by the 3rd respondent to the competent authority and overruling the objections of the petitioner, declaration was issued.

In that view of the matter, I do not see any merit in this petition for grant of relief as prayed for. The petition is devoid of merits. Accordingly, the Writ Petition is dismissed. No order as to costs.

Dated: 23.02.2005

Dsr

ASSISTANT REGISTRAR

To:

1 The District Collector
Anantapur Disttrict
2 The Revenue Divisional Officer
Penukonda
3 The Revenue Divisional Officer
Anantapur District

4. Two CCs to the Government Pleader

for Land Acquisition, High Court Buildings,

Hyderabad (OUT)

5. Two CD copies

*Form-NIC-OGS/WP{**KMR**}*